

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

Civil Action No. 1:23-cv-00118

MEDICAL SEARCH CONSULTANTS LLC,

Plaintiff,

v.

PASTURE GATE HOLDINGS, INC., PYXIS NYF LLC, MICHAEL ROBERT DUNMIRE, and DENISE MARIE DUNMIRE,

Defendants.

**MOTION FOR
TEMPORARY RESTRAINING ORDER**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”), Plaintiff Medical Search Consultants LLC (“Plaintiff” or “MSC”), by counsel, respectfully moves this Court for a Temporary Restraining Order against Defendants Pasture Gate Holdings, Inc. (“Pasture Gate”), Pyxis NYF LLC (“Pyxis”), Michael Dunmire, and Denise Dunmire (collectively, “Defendants”).

As more particularly described in the Memorandum in Support of Plaintiff’s Motion for Temporary Restraining Order, which is being filed contemporaneously with this Motion and is incorporated herein by reference pursuant to Fed. R. Civ. P. 10(c), MSC is seeking injunctive and other relief against Defendants for (1) breach of contract, including certain non-competition and non-disclosure obligations which Defendants entered into during their contractual relationship with MSC; (2) misappropriation of trade secrets; and (3) use of MSC’s registered trademark without authorization.

For the reasons set forth in MSC’s First Amended Verified Complaint for Injunctive Relief and Damages, the Memorandum in Support of Plaintiff’s Motion for Temporary Restraining Order,

and the Declaration of Nadia Gruzd, unless Defendants are preliminarily enjoined from engaging in any additional misconduct, MSC will be irreparably harmed by the breach of its valid non-competition and non-disclosure agreements with Defendants, Defendants' misappropriation of trade secrets and disclosure of other confidential and proprietary information, and Defendant Pyxis' unlawful use of MSC's trademark. If injunctive relief is not granted, MSC will suffer the loss of its goodwill and business reputation, as well as present and future economic loss which is unascertainable at this time and for which there is no adequate remedy at law.

Pursuant to Fed. R. Civ. P. 65(b)(1)(B), undersigned counsel has provided a copy of this motion, the Memorandum in Support of Motion for Temporary Restraining Order, and Declaration of Nadia Gruzd, including all exhibits cited therein, on the following parties via electronic mail:

To: Pasture Gate Holdings, Inc. and Michael Robert Dunmire
Michael Robert Dunmire at mikedunmire@outlook.com
Robert M. Einhorn, Esq. at reinhorn@zarcolaw.com¹

To: Denise Marie Dunmire at denise.m.dunmire@outlook.com

To: Pyxis NYF LLC
Michael Robert Dunmire at mikedunmire@outlook.com
Denise Marie Dunmire at denise.m.dunmire@outlook.com

WHEREFORE, Plaintiff respectfully requests:

- A. That this Court enter a Temporary Restraining Order that immediately:
 1. restrains and enjoins Defendants Michael Dunmire, Denise Dunmire, and Pasture Gate from misappropriating or otherwise disclosing Plaintiff's confidential information and trade secrets;
 2. restrains and enjoins Defendants from rendering any services to Plaintiff MSC's competitors including, but not limited to Pyxis and i4 Search Group LLC for a period of two years, as required by the Franchise Agreement;
 3. restrains and enjoins Defendant Pyxis from using Plaintiff MSC's ALL MEDSEARCH trademark;

¹ Mr. Einhorn has advised that he represents Pasture Gate and Mr. Dunmire.

4. requires that Defendants preserve all information currently stored on their personal computer(s) or other computer(s) over which Defendants have possession, custody, or control, and any personal digital assistant or mobile device, including any information stored on backup media, and that Defendants produce an image of the hard drive(s) from any and all computers and/or mobile devices which Defendants have used since September 15, 2020;
 5. requires that Defendants preserve all e-mails, whether on a computer or mobile device under their control, on Pyxis' computer(s), or on an internet mail server related to any work for or with i4 Search Group, Superior Talent, and/or Pyxis; and
 6. enjoins Defendants Michael Dunmire, Denise Dunmire, and Pasture Gate from otherwise violating the terms of the Franchise Agreement and related contracts.
- B. That Plaintiff have and recover all fees, costs and expenses incurred in connection with this action.
- C. That Plaintiff have such other and further relief as this Court may deem just and proper.

Date: May 8, 2023

Respectfully submitted,

/s/ Dhamian A. Blue

Dhamian A. Blue

/s/ Daniel T. Blue, III

Daniel T. Blue, III

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